

Message Text

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ACTION L-03

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SUBJECT: DIPLOMATIC CONFERENCE ON INTERNATIONAL HUMANITARIAN LAW -
WEEKLY REPORT MAY 9-13, 1977

SUMMARY. CONFERENCE WORK BEFORE TWO MAIN COMMITTEES COMPLETED ON
SCHEDULE, BUT SEVERAL ISSUES REMAIN BEFORE COMMITTEE I. ESTIMATE
THAT COMMITTEE I WILL COMPLETE ITS WORK AROUND 20 MAY. AD HOC
COMMITTEE CONTINUING TO PURSUE MANY ISSUES. END SUMMARY

1. COMMITTEE I IS UNABLE TO COMPLETE WORK ON SCHEDULE. A NEW
COMPROMISE PREAMBLE WITH LANGUAGE DESIRED BY US WAS AGREED IN
WORKING GROUP. ARTICLE 85 (RESERVATIONS) HAS BECOM CONTROVERSIAL
DUE TO ARAB/AFRICAN INSISTENCE ON A LIST OF NONRESERVABLE
ARTICLES (INCLUDING ARTICLES 1, 33, 42, 46, 47, 48 BIS). SOCIAL-
IST GROUP SUPPORTS SHORTENED LIST. ATTEMPT TO REACH COMPROMISE
U(US SUPPORTED) IS OPPOSED BY MOST WESTERN COUNTRIES, AND AS ARAB/
AFRICAN GROUP HAVE NOT BEEN ABLE TO AGREE ON SHORT LIST, SUBJECT
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MUST BE VOTED ON. DISCUSSION ON 86 BIS (WEAPONS REVIEW COMMITTEE)
COMPLETED. THE THREE PROPOSALS ON REPRISALS WERE WITHDRAWN IN
PLENARY DUE TO IRREVOCABLE FRENCH DECISION TO WITHDRAW AND THE
PROBABILITY THAT POLISH PROPOSAL TO BAN ALL REPRISALS WOULD HAVE
BEEN ADOPTED. WITHDRAWAL BASED ON UNDERSTANDING THAT WESTERN
GROUP WOULD SUPPORT A NON-MANDATORY INQUIRY PROCEDURE, WHICH WAS
ADOPTED. COMMITTEE MUST BEGIN VOTING ON ARTICLES AND DEBATE CONTRO-

VERSIAL ISRAELI PROPOSAL TO RECOGNIZE RED SHIELD OF DAVID AS A DISTINCTIVE MEDICAL EMBLEM, WHICH IS EXPECTED TO RESULT IN OVERWHELMING DEFEAT.

2. COMMITTEE II COMPLETED ITS WORK EXCEPT FOR ADOPTION OF THE REPORT. ARTICLES ON RELIEF ADOPTED BY CONSENSUS AND REFERENCED FUNDAMENTAL PRINCIPLES OF RED CROSS (US POSITION). SIX ARTICLES ON CIVILIAN CIVIL DEFENSE IN PROTOCOL I WERE ADOPTED, COVERING DEFINITIONS, GENERAL PROTECTION, OCCUPIED TERRITORIES, NEUTRALS, CESSATION OF PROTECTION AND IDENTIFICATION. PROVISIONS RECOGNIZE CIVIL DEFENSE PERSONNEL MAY CARRY LIGHT INDIVIDUAL ARMS BUT DISCOURAGE THIS IN AREAS WHERE LAND FIGHTING IS OCCURRING. ONE LIMITED ARTICLE ON MILITARY CIVIL DEFENSE UNITS WAS ADOPTED BY CONSENSUS AFTER INTENSE NEGOTIATION. IMMUNITY FROM ATTACK IS SUBJECT TO SEVERAL STRINGENT CONDITIONS, THE VIOLATION OF WHICH IS A BREACH OF THE PROTOCOL. ONCE PERSONNEL ASSIGNED TO CIVIL DEFENSE AND CLAIM PROTECTED STATUS THEY MAY NOT THEREAFTER PARTICIPATE IN HOSTILITIES DURING THE ARMED CONFLICT. THEY CAN ONLY OPERATE IN THEIR OWN NATIONAL TERRITORY IN A PROTECTED STATUS.

3. COMMITTEE III COMPLETED ITS WORK BY ADOPTING SEVERAL ARTICLES FOR BOTH PROTOCOLS, REVISING SOME ARTICLES PREVIOUSLY ADOPTED AND APPROVING THE COMMITTEE REPORT. ARTICLES 67 THROUGH 69 OF PROTOCOL I AND 32 OF PROTOCOL II (ALL DEALING WITH PROTECTION OF WOMAN AND CHILDREN) WERE ADOPTED BY CONSENSUS. A SPECIAL SIGN FOR OBJECTS CONTAINING DANGEROUS FORCES (THREE BRIGHT ORANGE CIRCLES ON A STRAIGHT AXIS) WAS ADOPTED. ARTICLE IN PROTOCOL II ON PERFDY WAS ADOPTED BY NARROW VOTE THAT INDICATES IT MAY BE REJECT LIMITED OFFICIAL USE

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ED IN
PLENARY.

4. REVISION OF PREVIOUSLY ADOPTED ARTICLES WAS REMARKABLY SUCCESSFUL FOR US. ARTICLE 35 (EMBLEMS OF NATIONALITY) WAS MODIFIED BY CONSENSUS TO INSURE THAT THE ARTICLE DID NOT AFFECT EXISTING RULES OF WAR AS TO ESPIONAGE. ARTICLE 39 (OCCUPANTS OF AIRCRAFT) WAS RECONSIDERED AND MODIFIED TO PROVIDE FULLY PROTECTED STATUS FOR DESCENDING AIRMEN INCLUDING WHEN THEY ARE OVER THEIR OWN TERRITORY. VOTE TO MODIFY WAS 52(US) FOR, 4 AGAINST WITH 22 ABSTENTIONS. ARTICLE 46 (AND ARTICLE 26, PROTOCOL II) (PROTECTION OF CIVILIAN POPULATION) WAS MODIFIED BY ADDING THE WORD "SIMILAR" IN THE PHRASE "CITY, TOWN, VILLAGE OR OTHER AREA CONTAINING A SIMILAR CONCENTRATION OF CIVILIANS." ARTICLE 47 (GENERAL PROTECTION OF CIVILIAN OBJECTS) WAS MODIFIED BY ADDING THE WORDS "PLACE OF WORSHIP" IMMEDIATELY BEFORE HOUSE OR OTHER DWELLING AS AN EXAMPLE OF A NORMALLY CIVILIAN OBJECT. ARTICLE 47 BIS (AND ARTICLE 20 BIS, PROTOCOL II) (PROTECTION OF CULTURAL OBJECTS) WAS THEN MODIFIED BY DELETING ANY REFERENCE TO PLACES OF

WORSHIP AND BY ADDING THE WORD "THOSE". SUBPARAGRAPH A OF ARTICLE 47 NOW READS "TO COMMIT ANY ACTS OF HOSTILITY AGAINST THOSE HISTORIC MONUMENTS OR WORKS OF ART WHICH CONSTITUTE THE CULTURAL HERITAGE OF PEOPLES." IN ADDITION, ALL REFERENCES TO REPRISALS IN PROTOCOL II ARTICLES WERE DELETED.

5. IN WORKING GROUP OF AD HOC COMMITTEE, COSPONSORS OF MINES PROPOSALS (INCLUDING UK, SWEDEN AND MEXICO) HAVE ARRIVED AT COMMON BRACKETED TEXT; NEW VERSION IS ESSENTIALLY ALONG LINES OF PREVIOUS WESTERN TEXT, WITH A FEW SLIGHT CONCESSIONS TO SWEDES. CANADIANS AND BRITISH HAVE INDICATED INTENTION TO PROPOSE AMENDMENT TO NETHERLANDS PROPOSAL ON AERIALY-DELIVERED NAPALM TO PERMIT USE IN ENTIRE "COMBAT AREA." SWEDES HAVE INTRODUCED NEW PAPERS ON FLAME WEAPONS, SMALL-CALIBRE PROJECTILES AND FAES, ESSENTIALLY ALONG LINES OF THEIR PREVIOUS PROPOSALS.

6. SINCE WORKING GROUP HAS NOT YET EVEN DISCUSSED SMALL-CALIBRES. LIMITED OFFICIAL USE

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FAES AND FOLLOW-UP, THERE WILL PRESUMABLY BE MORE MEETINGS OF WORKING GROUP AND FULL COMMITTEE NEXT WEEK. MAIN INTEREST OF DELS IS NOW IN QUESTION OF FOLLOW-UP; SWEDES, UK AND CANADIANS HAVE ALL PRODUCED DRAFT CONFERENCE RESOLUTIONS WHICH IN ESSENCE CONTEMPLATE SPECIAL CONFERENCE ON WEAPONS ISSUES IN 1978-79 PERIOD. SORENSON

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Message Attributes

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CONFERENCE WORK BEFORE TWO MAIN COMMITTEE
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vdkgvkey: odbc://SAS/SAS.dbo.SAS_Docs/ba7a3895-c288-dd11-92da-001cc4696bcc
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